

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EILEEN JAMES,

Plaintiff,

DECISION AND ORDER

10-CV-6429L

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security
Administration of the United States,¹

Defendant.

Eileen James (“plaintiff”) brought this action under Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), challenging a final determination of the Commissioner of Social Security (the “Commissioner”) denying her application for supplemental security income and disability insurance benefits. On September 15, 2011, the Court granted the Commissioner’s motion to remand the matter pursuant to sentence six of 42 U.S.C. § 405(g), for the purpose of considering new and material evidence. (Dkt. #17).

Upon remand, the Commissioner issued a new and fully favorable decision on February 20, 2013, granting plaintiff’s application for a period of disability and disability insurance benefits. On the basis of that decision, plaintiff now requests that the Court enter judgment and close the case. (Exh. A). As there remains no issue to be decided, plaintiff’s request for an entry of judgment is hereby granted, the complaint is dismissed, and the Clerk is directed to close the case.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 3, 2014.

¹Plaintiff’s complaint names former Commissioner of Social Security Michael J. Astrue as the defendant. Carolyn W. Colvin, the current Acting Commissioner, automatically is substituted as the defendant pursuant to Fed. R. Civ. P. 25(d)(1).